

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

RSA No. 3227 of 2015(O&M)
Date of decision : February 9, 2016

Inderjeet Singh

..... Appellant

Versus

Khanda Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. L. S. Sidhu, Advocate
for the appellant.

1. Whether reporters of local papers may be allowed to see the judgment ?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

Amit Rawal, J (oral).

The appellant-plaintiff is aggrieved of the concurrent finding of fact whereby the suit claiming declaration that they are owners in possession of the land in dispute has been dismissed by the trial court and appeal filed against the same has also been dismissed.

Learned counsel appearing on behalf of the appellant submits that both the courts below have committed illegality and perversity in dismissing the appeal by relying upon the findings rendered in the civil suit titled as Khanda Singh Vs. Gurdass Singh decided on 31.1.1995 and the same was assailed by the plaintiff in the hierarchy and has been upheld upto this Court, thus had been non-suited on this ground whereby viz-a-viz injunction principal of res judicata does not apply.

I have heard learned counsel for the appellant and appraised the paper book.

Jamabandi Ex.P-3 for the year 2002-03 does not show possession of the appellant-plaintiff and even otherwise, vide judgment and decree only defendant No.1 Khanda Singh along with Gulzar Singh filed a suit for declaration that they are co-owners but are in exclusive possession of the suit property involved in the present case and the suit was decided in their favour and khasra girdawari accorded in the name of Surain Singh-predecessor-in-interest and father of the appellant was declared to be null and void, much less they were restrained from dispossessing the defendants from the suit property. The decree had attained finality upto this Court.

In view of the above, the suit was not maintainable. I do not intend to differ with the finding rendered by both the courts below which is based on appreciation of oral and documentary evidence. I do not find any illegality or perversity in the aforementioned judgments and decrees of the courts below.

No substantial question of law arise for determination by this Court.

In view of what has been observed above, the appeal is devoid of merits, accordingly, the same is dismissed.

(AMIT RAWAL)
JUDGE

February 9 , 2016
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